

SECRETAttachment 1
Question 12a

The Sailing Order directed the ship to maintain defensive armament in a stowed or covered condition so as not to elicit interest from surveying/surveyed units and to employ defensive armament "only in cases where threat to survival is obvious." (Complete Sailing Order attached in response to Question 5.)

Special instructions in the Operation Order included, inter alia:

a. Hostile, Harassing or Embarrassing Tactics. The success of this intelligence collection operation depends to some extent upon the reaction of Soviet/Bloc forces to the presence. The Commanding Officer must use astute judgment in recognizing the purpose of the reaction generated by this operation and be alert to hostile overtures by air, surface or sub-surface units. It is most unlikely that military forces would initiate an attack upon a small trawler-like naval vessel in international waters; however, attempts to provoke by the employment of tactics which harass or embarrass the operations are highly probable, including request or invitation to leave the area. Therefore, it is vitally important that a positive reaction to the presence is anticipated and that the Commanding Officer be cognizant of the proper procedures to be employed in the variety of situations that may be encountered. Provided a ship's actions remain prudent, non-hostile and non-provocative, peacetime operations in international waters are legal in all respects. When confronted by non-friendly military forces, no action shall be taken that would give the impression that the United States acknowledges the authority of any nation to control international waters. Only at such time as convinced that persistence in staying in a particular area constitutes an actual danger to the ship, then and only then, will the immediate area be cleared. Such departure, when taken, shall not be in accordance with any direction or request received from the non-friendly unit. Non-acknowledgment, repeated questioning of any signal received, counter signals of non-understanding, or illogical or inappropriate replies can be utilized to exhaust and discourage the other unit in his efforts to force a withdrawal. Retirement, under any circumstances, should be slow and gradual and at a significant variance with any course prescribed by the non-friendly unit. The non-friendly unit should be made to realize that operations will be continued in the immediate adjacent sea area. No actions shall be taken that could be mistaken as harassing or hostile, or that would embarrass the non-friendly unit. The International Rules of the Road shall be scrupulously observed at all times.

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b. Attempts to Board and Search. If attempts are made to board and search in International Waters, radical maneuvering to circumvent such attempts should be employed. The application of force through the use of arms is authorized only as a last resort in self defense. Navy Regulations, Articles 0614 and 0730 apply.

c. Navy Regulations State:

(1) Article 0614: Use of Force Against a Friendly State.

"1. The use of force by United States naval personnel against a friendly foreign state, or against anyone within the territories thereof, is illegal.

"2. The right of self-preservation, however, is a right which belongs to states as well as to individuals, and in the case of states it includes the protection of the state, its honor, and its possessions, and the lives and property of its citizens against arbitrary violence, actual or impending, whereby the state or its citizens may suffer irreparable injury. The conditions calling for the application of the right of self-preservation cannot be defined beforehand, but must be left to the sound judgment of responsible officers, who are to perform their duties in this respect with all possible care and forbearance. In no case shall force be exercised in time of peace otherwise than as an application of the right of self-preservation as above defined. It must be used only as a last resort, and then only to the extent which is absolutely necessary to accomplish the end required. It can never be exercised with a view to inflicting punishment for acts already committed."

(2) Article 0730: Search not Permitted.

"The commanding officer shall not permit his command to be searched by any person representing a foreign state nor permit any of the personnel under his command to be removed from the command by such person, so long as he has the power to resist."

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